

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NORTH AMERICAN COMPANY FOR
LIFE AND HEALTH INSURANCE,

Plaintiff,

v.

BRANDON D. REED,

Defendant.

No. 3:24-cv-01053-SB

ORDER

BAGGIO, District Judge:

On January 27, 2025, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) (ECF 19) recommending that Court enter default final judgment in Plaintiff’s favor: (1) declaring that Defendant’s policy (identified in the Complaint as “Policy 155”) is rescinded because of Defendant’s material misrepresentations and omissions in his application, and alternatively, the insurance contract is void *ab initio* because of the failure of the condition precedent that Defendant must be in the state of health described in the application; and (2) further declaring that neither Defendant, nor any putative beneficiary or other person, has any rights or interests in “Policy 155”, including, without limitation, any potential right to the payment of death benefits otherwise payable upon the death of an insured under an enforceable, in-force insurance contract. Neither party objected.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

Upon review, the Court agrees with Judge Beckerman’s recommendation and ADOPTS the F&R (ECF 19) in full and enters default final judgment in Plaintiff’s favor.

IT IS SO ORDERED.

DATED this 18th day of February 2025.

Amy M. Baggio

AMY M. BAGGIO
United States District Judge